

REMARKS

Claim 1 has been amended to delete the recitation of a separation display means and to recite a separation display provided by printing directly on an outer surface of said partition wall section of at least one of the container outer members.

Claim 1 has also been amended to delete the limitation that the separation display section can be visually checked from outside the container outer member opposed to the container outer member on which the separation display section is provided prior to separation of the partition wall section and to precisely recite, instead, that the separation display section is visible from outside the container outer member opposed to the container outer member on which the separation display section is provided, prior to separation of the partition wall section, and is at least partially blocked by contents in the medical container when the partition wall section is separated.

Claim 3 has been amended by deleting the recitation "the opposed films" and to recite "the films opposed to each other".

Claims 5 and 6 have been canceled.

Claim 7 has been rewritten in independent form and to correspond substantially to claim 1 as amended.

Claims 8 and 9 have been canceled.

Reconsideration and removal of the objection to and the rejections of the claims are respectfully requested in view of the amendments to the claims and the remarks that follow.

The amendment to claim 3 provides proper antecedent basis for claim terminology and overcomes the objection to claim 3.

The cancellation of claim 8 renders the 35 U.S.C. § 101 and 35 U.S.C. § 112 rejections moot.

The amendment to claim 1 to delete the recitation of a separation display means avoids the application of 35 U.S.C. § 112, sixth paragraph, to the limitations of the claims.

Referring to the rejections of the claims under 35 U.S.C. § 103(a) as being unpatentable over Inuzuka et al., U.S. Patent Application Publication No. 2001/0000042 ("Inuzuka") in view of Hustad, U.S. Patent No. 5,064,664, and in view of Hustad and Brochman, U.S. Patent No. 3,923,198, removal of these rejections is in order because Hustad, U.S. Patent No. 5,064,664, does not support the rejection. The column and line numbers and drawing figures cited in the Action are not consistent with the disclosure and drawings of Hustad. For example, the Office refers to Figs. 5 and 6 and Figs. 10 and 11 of Hustad. However, Hustad, U.S. Patent No. 5,064,664, includes only Figs. 1 and 2.

It appears that the Office intended to cite Hustad, U.S.

Patent No. 5,103,979 ("Hustad '979"), identified in the Notice of References Cited (PTO-892) attached to the Action. The patentability of the claims is explained below with reference to Hustad '979. However, if the Office rejects the claims of the application in the next Action over Hustad '979, the next Action should not be made Final since this will constitute a new ground of rejection not necessitated by the above amendments to the claims.

Non-obviousness of the claims over Inuzuka in view of Hustad '979 and Brochman

Claim 1 as amended is based on original claim 1 and includes the characteristics of original claims 5 and 6 and the characteristics described in paragraphs [0040] and [0054] in the specification. (See the publication of the present application, US2007/0123836). The limitation in the claims of the "separation display section being at least partially blocked by contents in the medical container when the partition wall section is separated" is supported by the description in paragraphs [0040] and [0054] that when the partition wall section of the films 11 and 12 is divided and medicines or liquid medicines come into the space between the films, the separation display means 51 which could be visually checked prior to separation of the partition wall 2 cannot be clearly recognized with the eyes (paragraph [0040]) or cannot be

seen, because of the interruption of the contents (paragraph [0054]).

Inuzuka does not disclose a separation display section.

Hustad disclose a separation display section. However, it is clear from the description of Figs. 10 and 11 of Hustad '979 that the separation display section is printed on an inner surface of the partition wall section. Hustad '979 discloses that the rear panel 42 of Hustad is opaque. Therefore, the separation display section (i.e., "message information") must be printed on an inner surface so as to be visible from outside the container outer member opposed to the container outer member on which the separation display means is provided prior to separation.

Applicants note that the contents in a medical container may be medicines or liquid medicines and, more specifically, dialysis liquids for artificial kidneys, substitution liquids for filter-type artificial kidneys, transfusion formulations, and other liquids, or powders or solid. (See paragraph [0037] of the present specification). Therefore, in the present invention, since the separation display section is printed on an outer surface, contact between the contents and the separation display section is prevented.

Brochman discloses an indicator strip 16 that is provided on

an outer surface of a container (on an outer surface of tape closure 14 of FIGS. 1 and 2), and comprises a stress-opacifying layer 20 overlying and bonded to layer 22. It is possible to print indicia, such as the words "open" or "opened" on the upper surface of the stress-opacifying layer, the indicia being the same color as the underlying colored layer. Such indicia are invisible before the closure has been flexed but show up as colored words or patterns on the opaque white or pastel background after the closure has been flexed. Therefore, Brochman also does not disclose a "separation display section provided by printing directly on outer surface of said partition wall section of at least one of the container outer members", the separation display section "being visible from outside the container outer member opposed to the container outer member on which the separation display section is provided, prior to separation of the partition wall section" as required by the claims of the present application.

Furthermore, the combination of Inuzuka and Hustad '979, and the combination of Inuzuka and Hustad '979 and Brochman do not disclose or suggest a separation display section that is at least partially blocked by contents in the medical container when the partition wall section is separated as required by the present claims.

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PATENT APPLN. NO. 10/573,755
RESPONSE UNDER 37 C.F.R. §1.111

PATENT
NON-FINAL

The combination of Inuzuka and Hustad '979, and the combination of Inuzuka and Hustad '979 and Brochman do not support prima facie obviousness under 35 U.S.C. § 103(a) of the medical container recited in the claims of the present application, particularly as amended herein.

Removal of the objection to the claims and the rejections of the claims of the present application and an allowance of the claims are in order and are respectfully solicited.

The foregoing is believed to be a complete and proper response to the Office Action dated September 10, 2008

In the event that this paper is not considered to be timely filed, applicants hereby petition for an appropriate extension of time. The fee for any such extension may be charged to our Deposit Account No. 111833.

In the event any additional fees are required, please also charge our Deposit Account No. 111833.

Respectfully submitted,
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